

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

301 State House
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FISCAL IMPACT STATEMENT

LS 6415

BILL NUMBER: HB 1072

DATE PREPARED: Dec 14, 2001

BILL AMENDED:

SUBJECT: Violence Free Community Fee.

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FUNDS AFFECTED: **GENERAL
DEDICATED
FEDERAL**

IMPACT: Local

Summary of Legislation: This bill establishes a violence free community fund funded by a \$200 violence free community fee to be collected in specified felony cases involving the use of a firearm or a deadly weapon. The bill provides that the fee is to be distributed to prosecuting attorneys for firearm prevention measures, programs to reduce community violence, and the purchase of equipment for law enforcement agencies. It makes a technical correction to remove a reference to the judicial salaries fee.

Effective Date: July 1, 2002.

Explanation of State Expenditures:

Explanation of State Revenues:

Explanation of Local Expenditures: The clerk of the court would have additional administrative duties in order to collect and transfer fees generated by the proposed bill. The bill also requires each county auditor to establish a violence free community fund (the fund). Specific impact would depend on local action.

Explanation of Local Revenues: It is estimated that for firearm violations alone, \$58,600 would have been collected by counties if the violence free community fee were in place during 2001. Revenue from the fee would be used to reduce the unlawful use of firearms, promote the disposal of unwanted firearms, promote the reduction of violence in the community, and provide equipment to county and local law enforcement agencies.

Criminal Fee Background: Under current law, a criminal cost fee of \$120 and a document fee (\$1 per certificate under seal, \$3 for a lien on real estate) is collected by the clerk of the court when a person is convicted of a felony or misdemeanor. Additionally, the following fees may be collected from a convicted person depending on the court or the county: marijuana eradication program fee: (not more than \$300),

alcohol and drug services program fee: (not more than \$400), law enforcement continuing education program fee of \$3. If the conviction was for a controlled substance offense, the clerk will also collect the drug abuse, prosecution, interdiction, and correction fee of not less than \$200 and not greater than \$1,000. If the convicted person was driving while intoxicated, the clerk is required to collect an alcohol and drug countermeasures fee of \$200.

Additionally, persons convicted of an offense including: murder, battery, rape, manslaughter, where the victim was less than 18 years of age, must pay a child abuse prevention fee of \$100 to the clerk. If the crime involved domestic violence towards a spouse, former spouse, or child with the spouse, the convicted person is required to pay a domestic violence prevention and treatment fee of \$50 to the clerk.

There are six additional fees that a convicted person may have to pay depending on the crime committed.

Under the bill, the violence free community fee (VFCF) would be added to the aforementioned fees. The fee charged would be \$200. The fee would be assessed to convicted persons of crimes involving firearms including: various firearm violations, homicide, battery, kidnaping and confinement, sex crimes, and robbery as defined by the bill.

Revenue collected from the VFCF would be deposited by the county auditor into the fund. Under the bill, the county fiscal body would be required to adopt an ordinance to appropriate the money in the fund to the prosecuting attorney of the county. The prosecuting attorney would be required to use the appropriated funds to: reduce the unlawful use of firearms, promote the disposal of unwanted firearms, promote the reduction of violence in the community, and provide equipment to county and local law enforcement agencies. Money appropriated to the prosecuting attorney would not be able to be transferred by the county fiscal body for other uses.

Firearm convictions entering the Department of Corrections: The following table illustrates a five-year history of the individuals convicted of a felony involving a firearm entering a Department of Corrections facility per year.

Felony Category	Crime	Code Citation	2001	2000	1999	1998	1997	1996
B	Dangerous Control of a Handgun	35-47-10-6	0					
B	Felon in Possession of Firearm	35-47-4-5	47					
C	Carrying a Handgun Without a Licence	35-47-2-3	37					
C	Dangerous Control of a Handgun	35-47-10-6	1					
C	Dangerous Possession of a Handgun	35-47-10-5	0					
C	Deadly Weapon on an Aircraft			0	0	0	0	0
C	False Information or Purchase of Handgun	35-47-2-17	0					
C	Firearm Within One Mile of School	35-47-2-1	41					
C	Handgun Violation	35-47-2-7	142	232	174	78	130	91
C	Obliterating Handgun ID	35-47-2-18	3					
C	Possession of Machine Gun or Bomb	35-47-5-8	2	0	3	0	5	2
C	Possession of Sawed Off Shotgun	35-47-5-4.1	0					
D	Dealing in a Sawed Off Shotgun	35-47-5-4.1	3	4	2	3	6	5
D	Handgun Violations	35-47-2-1	9	44	13	14	16	17
D	Illegal Possession of Firearm by Felon	35-47-4-4	0					
D	Pointing a Firearm	35-47-4-3	6					
D	Possession of Firearm on School Property	35-47-9-2	0					
D	Possession of Handgun Without License	35-47-2-23	1					
D	Possession of Sawed Off Shotgun	35-47-5-4.1	0					
D	Unlawful Delivery of Confiscated Firearm		0	0	0	0	0	0
D	Unlawful Delivery of Confiscated Firearm	35-47-3-4	1					
D	Unlawful Use of Body Armour	35-47-5-13	0					
	Total		293	280	192	95	157	115

Using the information in the table above, it is estimated that for firearm violations alone, \$58,600 would have been collected by counties if the VFCE were in place during the 2001 year. When further data is available, this fiscal impact statement will be updated.

State Agencies Affected:

Local Agencies Affected: County auditor, clerk of the court, county fiscal bodies, county prosecutors.

Information Sources: Department of Correction.